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10/779,393	02/13/2004	Harumi Ooshima	10445/13	9011

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EXAMINER
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BURCH, MELODY M

ART UNIT	PAPER NUMBER
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3683

DATE MAILED: 07/07/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

10/779,393

Applicant(s)

OOSHIMA ET AL.

Examiner

Melody M. Burch

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 21 April 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 14-28 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 14-28 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 13 February 2004 is/are: a) ☐ accepted or b) ☒ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

## Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

## Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

**DETAILED ACTION**

***Drawings***

1. The drawings are objected to as failing to comply with 37 CFR 1.84(p)(5) because they do not include the following reference sign(s) mentioned in the description: elements 6C, 6D, 4C, 4D, and 11 of pg. 4. Corrected drawing sheets in compliance with 37 CFR 1.121(d) are required in reply to the Office action to avoid abandonment of the application. Any amended replacement drawing sheet should include all of the figures appearing on the immediate prior version of the sheet, even if only one figure is being amended. The replacement sheet(s) should be labeled "Replacement Sheet" in the page header (as per 37 CFR 1.84(c)) so as not to obstruct any portion of the drawing figures. If the changes are not accepted by the examiner, the applicant will be notified and informed of any required corrective action in the next Office action. The objection to the drawings will not be held in abeyance.

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2. In addition to Replacement Sheets containing the corrected drawing figure(s), applicant is required to submit a marked-up copy of each Replacement Sheet including annotations indicating the changes made to the previous version. The marked-up copy must be clearly labeled as "Annotated Marked-up Drawings" and must be presented in the amendment or remarks section that explains the change(s) to the drawings. See 37 CFR 1.121(d). Failure to timely submit the proposed drawing and marked-up copy will result in the abandonment of the application.

***Claim Objections***

3. Claims 14-28 are objected to because of the following informalities: in line 3 of claim 14 one of the terms "that" should be removed, in line 3 of claim 15 the phrase "which may occurs" should be reworded. The remaining claims are objected to due to their dependency from claim 14. Appropriate correction is required.

***Claim Rejections - 35 USC § 112***

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claim 20 is rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Re: claim 20. The phrase "at least one wall" in line 1 is indefinite. It is unclear to the Examiner whether the "at least one wall" is intended to be the same or different from the at least one wall of claim 14. Clarification is required. For examining purposes,

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Examiner has interpreted the claim as intending to refer back to the at least one wall of claim 14.

***Claim Rejections - 35 USC § 102***

6. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

7. Claims 14-28 are rejected under 35 U.S.C. 102(b) as being anticipated by JP-2002-327780 (JP' 780).

***First Interpretation***

Re: claims 14, 15, 16, and 18. JP '780 shows in figure 2 a disc brake for a vehicle comprising: a pair of brake pads 22 best shown in figure 1 configured to press a disc rotor D between them, a supporting member 11 that supports the pair of brake pads for movement in an axial direction of the disc rotor, a return spring 35 that has a base end attached to one of the brake pads shown in the area of element 31 and a distal end shown in the area of the lead lines of numbers 28 and 35 configured to press the supporting member so as to urge by reaction the one of the brake pads away from the disc rotor, and at least one wall or stop formed in the supporting member 11 as disclosed in the last 5 lines of paragraph [0016] of the translation of JP '780 that elevates adjacent to the distal end of the return spring to limit at least one of clockwise and counter clockwise movements of the distal end around the base end relative to the

supporting member via the frictional contact of the distal end of the return spring with the stop, as broadly recited.

Re: claims 17, 19, and 27. JP' 780 includes the limitation of further comprising a guiding member 21 provided between the one of the brake pads and the supporting member as shown in figure 1, wherein the guiding member comprises a contact portion or back surface which is in contact with the distal end of the return spring via intervening portions of the return spring and pressed thereby.

Re: claims 21, 22, 23, 25, and 26. JP' 780 shows in figures 1 and 2 the limitation wherein the at least one wall comprises two walls (one of the walls includes the stop created from 11 as disclosed in the last 5 lines of paragraph [0016] of the translation of JP '780 and the other wall is the wall adjacent to the stop) that elevate adjacent to the distal end of the return spring so as to limit both the clockwise and counter clockwise movements of the distal end around the base end due to frictional contact, as broadly claimed.

Re: claim 28. JP '780 shows in figures 1 and 2 a disc brake further comprising another return spring or other element 35 that has a base end attached to the other one of the brake pads as shown and a distal end configured to press the supporting member so as to urge by reaction the other one of the brake pads away from the disc rotor.

*Second Interpretation*

Re: claims 14, 15, 20, 21 and 24. In an alternate interpretation, JP '780 shows in figure 2 a disc brake for a vehicle comprising: a pair of brake pads 22 best shown in figure 1 configured to press a disc rotor D between them, a supporting member 11 that

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supports the pair of brake pads for movement in an axial direction of the disc rotor, a return spring 35 that has a base end attached to one of the brake pads shown in the area of element 31 and a distal end shown in the area of the lead lines of numbers 28 and 35 in figure 2 and in the area of the lead line of number 36 in figure 1 configured to press the supporting member so as to urge by reaction the one of the brake pads away from the disc rotor, and at least one wall 37 that elevates adjacent to the distal end of the return spring to limit at least one of clockwise and counter clockwise movements of the distal end around the base end relative to the supporting member via the frictional contact of the distal end of the return spring with the stop, as broadly recited.

Re: claims 19, 20, and 23. JP'780 shows in figure 1 the disc brake further comprising a guiding member shown in the area of the lead lines of 5 and 28 provided between the one of the brake pads and the supporting member, wherein the guiding member comprises a contact portion 28 which is in contact with the distal end of the return spring (particularly, the bottom of the distal end of the return spring as shown in figure 1) and pressed thereby wherein the at least one wall is integral with the guiding member.

Re: claims 21, 23, 24, and 25. Examiner notes that one of the walls includes the surface of the guiding member below the distal end of the return spring and the other wall is element 37 (the contact portion in this instance is a portion of the guiding member to the left of the bottom wall that is in contact with the distal end of the return spring via intervening guiding member portions).

Re: claim 28. JP '780 shows in figures 1 and 2 a disc brake further comprising another return spring or other element 35 that has a base end attached to the other one of the brake pads as shown and a distal end configured to press the supporting member so as to urge by reaction the other one of the brake pads away from the disc rotor.

### ***Response to Arguments***

8. Applicant's arguments filed 4/21/05 have been fully considered but they are not persuasive. Applicant argues that JP' 780 does not disclose the at least one wall recited in the claim, but later states that the distal end of the return spring abuts against an elevating end or wall 37 of an element 5,28. Examiner notes that the elevating end 37 is a wall and that the abutment of the distal end of the return spring with the wall limits movement including a clockwise or counterclockwise rotation of the return spring by virtue of the frictional contact between the two components. Accordingly, the JP'780 rejections have been maintained.

### ***Conclusion***

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any



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extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Melody M. Burch whose telephone number is 571-272-7114. The examiner can normally be reached on Monday-Friday (6:30 AM-3:00 PM).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Charles A. Marmor can be reached on 571-272-7095. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

*mmb*  
mmb  
June 29, 2005

*Melody M. Burch*  
6/29/05